

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BEDERKE
Serial No : 10/523,500
Confirm. No : 1845
Filed : February 2, 2005
For : COUPLING PIECE...
Art Unit : 1614
Examiner : ELOSHWAY Niki Marina
Dated : June 19, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MICHAEL STEUERMANN

I Michael Steuermann, state as follows based on my own personal knowledge:

1. I am a authorized officer of the company SEC SHIP'S EQUIPMENT CENTRE BREMEN GMBH, the assignee of the above referenced patent application and as such responsible for the bookkeeping of the assignee.

2. After the successful test in May 2003 the Fully Automatic Twistlocks (FAT) according to my colleagues, Mr. Christian BEDERKE's, invention as shown in Fig. 15 of our US patent application Serial # 10/523,500 with

- a stop plate 21 and
- a coupling projection 22, 23 on each side of the stop plate 21
- the first coupling projection 22 is to be placed in a corner fitting 35 of an upper container,
- the second coupling projection 23 is provided with a locking catch 28 for locking inside the corner fitting 36 of a lower container,
- the locking catch 28 is arranged laterally when viewed in the longitudinal direction of the containers and has a sloping shoulder 34

(hereinafter referred as the FAT was introduced into the market.

3. Since the test, more than 1.2 Mio pieces of the FAT have been delivered and more than 260 ships have been equipped with our FATs.

4. In year 2007 the delivery of FAT for newbuildings made 57% compared to Semi Automatic Twistlocks (SAT) according to the prior art even though in many quotations we used to offer SAT or FAT solution at choice.
5. Many of our competitors have infringed our German patent issued for the FAT. From three of them we received declarations to calculate a compensation for the infringement, meanwhile. Due to this I know that they sold the following pieces:

Wader-MEC : 45,200 pcs. from April 2004 until October 2006

MacGregor-Conver : 89,216 pcs from April 2004 until May 2006

German Lashing : appr. 450,000 pcs from April 2004 until April 2008

6. Furthermore, we received requests for licence agreements from the following competitors:

- MacGREGOR-Conver GmbH:

Already in March 2005 we have been contacted by our competitor, MacGREGOR-Conver GmbH located in Bremen, Germany, whether there would be a possibility to come to a licence agreement regarding our FAT. After some discussions one could not come to an agreement.

- R.B. German Lashing GmbH:

In July 2005 we have been contacted by our competitor, Robert Böck German Lashing GmbH, located in Bremen, Germany, whether there is a possibility to come to a licence agreement regarding our FAT. Discussions went on until May 2008 but still the parties could not come to an agreement.

- Wader-MEC Marine Equipment + Consulting GmbH:

During the discussions regarding a compensation to be paid by MEC for the infringement of SECs patent during the SMM –exhibition in Hamburg in September 2006 MEC brought up the point that they would be interested in a licence agreement. Both parties did not come to an agreement at last.

- TEC Container S.A.

A competitor located in Madrid, Spain, named TEC Container S.A. asked for a licence agreement or at least a confirmation that they are allowed to market our FAT to their customers as a reseller. We confirmed that TEC can purchase this product from SEC so they are able to offer FATs to their customers now.

7. I am aware that a FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was neither observed by myself nor members of my firm, SEC SHIP'S EQUIPMENT CENTRE BREMEN GMBH, under my supervision prior to the publication and/or public use of the subject matter relating to the FAT according to the invention.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, appearing to read 'M. Steuermann', written over a horizontal line.

Michael Steuermann

Bremen,

08.July, 2008